

Applicant : Albert Chin et al.
Serial No. : 10/083,926
Filed : February 27, 2002
Page : 12 of 13

Attorney's Docket No.: 10527-395001 / 02-026

REMARKS

Applicants have amended claims 1, 14, and 43, and have added new claims 73-75. Claims 19, 37-42, and 44-72 were previously withdrawn. Thus, the pending claims are claims 1-18, 20-36, 43, and 73-75 of which claims 1, 14, and 43 are in independent form.

Claim Objections:

The Examiner has objected to claims 6-9, 11-13, and 23-29 for informalities. These claims recite, in part, "a distensibility less than about...." It was noted in the Office action that the phrase "a distensibility" should be "a lower distensibility." Applicants, however, submit that the claims are clear in their current form, and request that the Examiner withdraw the objection.

Claim Rejections:

Claims 1-5, 10, 14, 15, 17, 18, 20-22, 32, 33, 35, 36, and 43 have been rejected under 35 U.S.C. §102(b) as anticipated by Barath (U.S. Pat. No. 5,196,024). Claim 1, as amended, recites a second material comprising a polymer. Independent claims 14 and 43, as amended, recite a striped portion comprising a polymer. Barath fails to disclose or suggest a second material or a striped portion comprising a polymer, as claimed.

Barath discloses a balloon 2 on which a metallic plate 13 is mounted. A cutting edge 6 is attached to the metallic plate 13. See, e.g., Barath, FIGS. 7 and 8. Even if, as contended in the Office action, Barath's metallic plate 13 could be considered a "second material" or "striped portion," which Applicants do not concede, the metallic plate 13 does not include a polymer. Moreover, Barath does not suggest that the metallic plate 13 could include a polymeric material. Therefore, Applicants request that the above-noted rejection be withdrawn.

Claims 6-9, 11-13, 23-31, and 34 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Barath. For at least the reasons discussed above, Applicants submit that these claims are allowable, and request that this rejection be withdrawn.


Applicant : Albert Chin et al.
Serial No. : 10/083,926
Filed : February 27, 2002
Page : 13 of 13

Attorney's Docket No.: 10527-395001 / 02-026

As noted above, Applicants have added new claims 73, 74, and 75, which depend from claims 1, 14, and 43, respectively. For at least the reasons discussed above, Applicants submit that claims 73-75 are allowable, and request that these claims be allowed.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: May 6, 2005

Michael R. Hamlin
Reg. No. 54,149

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

21046112.doc